

CHAPTER 36. MICHIGAN VETERANS' FACILITY

MICHIGAN VETERANS' FACILITY Act 152 of 1885

AN ACT to authorize the establishment of facilities for former members of the armed forces of the United States in the state of Michigan; to create funds; and to provide for the promulgation of rules.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—Am. 1952, Act 123, Eff. Sept. 18, 1952;—Am. 1958, Act 142, Imd. Eff. Apr. 18, 1958;—Am. 1982, Act 391, Eff. Mar. 30, 1983.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

36.1 State Veterans' Facility of Michigan; establishment.

Sec. 1. That there shall be established in this state an institution under the name and style of the "State Veterans' Facility of Michigan," and whenever reference is made in the laws of this state to the "Michigan Soldiers' Home," reference shall be deemed to be made to the "Michigan Veterans' Facility."

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984a;—CL 1897, 2055;—CL 1915, 1667;—CL 1929, 782;—Am. 1945, Act 94, Eff. Sept. 6, 1945;—CL 1948, 36.1.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of authority, powers, duties, functions, and responsibilities of the State Veterans' Facilities of Michigan and Board of Managers created under Act 152 of Public Acts of 1885, as amended being Sections 36.1 to 36.12 of the Michigan Compiled Laws and certain other associated functions, from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1992-1, compiled at MCL 36.71 of the Michigan Compiled Laws.

Transfer of powers: See MCL 16.528.

36.2 Board of managers; appointment, qualifications, and terms of members; vacancy.

Sec. 2. (1) The general supervision and government of the Michigan veterans' facility shall be vested in a board of managers to consist of 7 members who shall be appointed as follows:

(a) Two representatives of the American legion.

(b) Two representatives of the veterans of foreign wars of the United States.

(c) One representative of the disabled American veterans.

(d) One representative of the American veterans of world war II-Korea-Vietnam (AMVETS).

(e) One veteran from veterans as defined by Act No. 190 of the Public Acts of 1965, as amended, being sections 35.61 and 35.62 of the Michigan Compiled Laws, except that the nominee veteran shall not be a representative of the American legion, the veterans of foreign wars of the United States, the disabled American veterans, or American veterans of world war II-Korea-Vietnam (AMVETS).

(2) The members shall be appointed by the governor by and with the advice and consent of the senate, the members shall each hold office for the term of 6 years from the time of their appointment, and until their successors shall be appointed and qualified. The members enumerated in subsection (1)(a), (b), (c), and (d) shall be appointed by the governor from the original list of at least 3 individuals recommended by each respective organization.

(3) If a vacancy occurs during the term of office of a member of the board of managers, the member's successor shall be selected from the same organization and in the same manner as the original appointment for the balance of the unexpired term.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984b;—CL 1897, 2056;—CL 1915, 1668;—CL 1929, 783;—CL 1948, 36.2;—Am. 1955, Act 196, Imd. Eff. June 17, 1955;—Am. 1958, Act 142, Imd. Eff. Apr. 18, 1958;—Am. 1977, Act 48, Imd. Eff. July 5, 1977.

Compiler's note: Section 2 of Act 48 of 1977 provides: "Of the members appointed after the effective date of this amendatory act the first shall be a veteran as designated by section 2 (1)(e) and the remaining appointments shall be made to conform to this amendatory act as they become vacant."

For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

36.6 Board of managers; compensation and expenses.

Sec. 6. Each of the members of the board shall be entitled to per diem compensation and reimbursement of

expenses from the appropriations to the facility in accordance with the accounting laws of the state.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984f;—Am. 1889, Act 103, Imd. Eff. May 21, 1889;—CL 1897, 2057;—CL 1915, 1669;—Am. 1925, Act 265, Imd. Eff. May 13, 1925;—CL 1929, 784;—CL 1948, 36.6;—Am. 1952, Act 123, Eff. Sept. 18, 1952;—Am. 1963, Act 101, Eff. Sept. 6, 1963;—Am. 1975, Act 58, Imd. Eff. May 20, 1975.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

36.7 Board of managers; meetings; election and terms of officers; appointment and duties of adjutant; conducting business at public meeting; notice.

Sec. 7. (1) The members of the board of managers shall meet annually at the facility on the second Wednesday in March of each year, and at the annual meeting shall elect of their own body, a chairperson, a chairperson pro tempore, a secretary, a treasurer, and a clerk, who shall hold office for 1 year and until a successor is elected and qualified. However, instead of electing a treasurer and a clerk, the board may appoint the adjutant of the facility to perform the duties of the treasurer and the clerk and other duties as prescribed by the board.

(2) The business which the board of managers may perform shall be conducted at a public meeting of the board held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984g;—CL 1897, 2058;—CL 1915, 1670;—CL 1929, 785;—CL 1948, 36.7;—Am. 1952, Act 123, Eff. Sept. 18, 1952;—Am. 1978, Act 157, Imd. Eff. May 22, 1978.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

36.8 Board of managers; quarterly meeting for formulation of governing rules and regulations.

Sec. 8. It shall be the duty of the board of managers to meet once in every 3 months on their own adjournment, and oftener if they shall deem it advisable, at which meeting they shall prepare and carefully digest and mature a system of government for said home, embracing all such rules, regulations, and general laws as they may deem necessary for preserving order, for enforcing discipline, for preserving the health of such disabled soldiers, sailors or marines as may be received at this home.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984h;—CL 1897, 2059;—CL 1915, 1671;—CL 1929, 786;—CL 1948, 36.8

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

36.9 Board of managers; inspection of similar institutions, expenses.

Sec. 9. For the purpose of maturing said system of government and discipline, it shall be competent for said board to authorize 1 of its members to visit similar institutions now in operation and by personal inspection and investigation to acquire an insight into the principles and practical workings of said similar homes for the information and benefit of said board; the expense actually and necessarily incurred in any such visit and investigation to be charged against the appropriation hereinbefore made.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984i;—CL 1897, 2060;—CL 1915, 1672;—CL 1929, 787;—CL 1948, 36.9.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

36.10 Commandant; appointment, eligibility, powers and duties.

Sec. 10. The board of managers shall appoint a commandant for the home, who shall be an ex-officer, soldier, sailor, or marine, whose salary shall be such amount as shall be appropriated by the legislature, and who shall nominate, for the action of the board of managers, all necessary subordinate officers, who shall also be ex-officers, soldiers, sailors, or marines, who may be dismissed by the commandant for inefficiency or misconduct. In case of every removal, a detailed statement of the case shall be reported to the board of managers by the commandant. No member or former member of the board of managers shall be eligible to election or appointment as commandant of the facility until the expiration of at least 1 year from the date of the end of his term as member of the board of managers or the date of his resignation as such member.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984j;—CL 1897, 2061;—CL 1915, 1673;—CL 1929, 788;—CL 1948, 36.10;—Am. 1955, Act 196, Imd. Eff. June 17, 1955;—Am. 1958, Act 186, Eff. Sept. 13, 1958.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

36.11 Veterans' facility; eligibility for admission; maintenance charges; dismissal; creation of veterans' facilities operation fund; credit of money to fund; expenditures; assignment of money to board of managers as condition of admission; expenditure of assigned money; creation of posthumous fund; expenditures.

Sec. 11. (1) All members of the armed forces of the United States who have been honorably discharged from the armed forces of the United States who have served in the armed forces of the United States not less than 90 days in the war of the rebellion, in the Mexican war, the Indian wars, the Spanish-American war, the war in the Philippines, the first world war, the second world war, or any other war, campaign, or expedition in which the armed forces of the United States have been, are, or may be, participants, and who are disabled by disease, wounds, or otherwise, and who have no adequate means of support, and by reason of their disability are incapable of earning their living and who would be otherwise dependent upon public or private charity, shall be entitled to be admitted to a facility, subject to such rules as promulgated by the board of managers pursuant to Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.315 of the Michigan Compiled Laws, to govern the admission of applicants to the facilities. Former members of the armed forces of the United States, otherwise qualified, who served less than 90 days and who were honorably discharged from service, and who, as a result of that service, acquired a service connected disability or disease, may be admitted. An applicant shall not be admitted to a facility unless he or she served in a Michigan regiment or has been accredited to this state or he or she has established residency in the state at the time of making his or her application for admission to the facility. Nothing in this section prevents the board of managers from admitting to membership in a facility any applicant otherwise qualified, but who has adequate means of support and is not dependent upon public or private charity, provided that the applicant, as a condition of admission, pays to the board of managers in advance, or at those times as may be fixed by the board of managers, for the use and benefit of the state a sum for his or her support as the board of managers determines to be proper. The board of managers shall annually determine the per diem expense of maintenance of members in the facilities and shall require any member who has adequate means of support or sufficient property or income, to pay the board of managers in full for the expenses of maintenance. All members in the facilities shall be charged in the first instance with the maintenance, which shall be collected either in whole or in part, if the member has sufficient property or income, but otherwise the board of managers may remit the per diem charge either in whole or in part. The maintenance charges as determined by the board of managers shall be paid to the adjutant of the facilities in advance not later than the fifth day of each month. Failure to comply with a condition shall be cause for dismissal from a facility.

(2) There is created a veterans' facilities operation fund in the state treasury. Except as provided by subsection (3), money received under this section and from the veterans' administration in direct payment for services to members of the facilities established under this act shall be turned over to the state treasury and credited to the veterans' facilities operation fund. Money in the veterans' facilities operation fund shall be expended only for the operation of the facilities established under this act.

(3) The board of managers of the facilities may make a condition for admission to a facility that all applicants shall assign to the board of managers any balance of money accumulated while a member of the facility, or due to the applicant or on deposit with any bank, trust company, corporation, or with any individual, at the time of the death of the applicant. All such sums shall first be expended to pay for all residual maintenance costs attributable to the deceased individual and shall then be paid to the wife, minor children, or dependent mother or father, in the order named. If no such relative shall be found within a period of 2 years, or if no claim for the sums has been made within a period of 2 years, the balance of the money shall be paid into the posthumous fund, which is hereby created by this subsection. The posthumous fund shall be expended as prescribed by Act No. 313 of the Public Acts of 1905, being section 36.61 of the Michigan Compiled Laws.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984k;—Am. 1891, Act 44, Imd. Eff. Apr. 29, 1891;—CL 1897, 2062;—Am. 1899, Act 62, Imd. Eff. May 2, 1899;—Am. 1901, Act 25, Imd. Eff. Mar. 26, 1901;—Am. 1907, Ex. Sess., Act 2, Imd. Eff. Oct. 24, 1907;—Am. 1915, Act 49, Eff. Aug. 24, 1915;—CL 1915, 1674;—Am. 1919, Act 238, Eff. Aug. 14, 1919;—CL 1929, 789;—Am. 1931, Act 291, Imd. Eff. June 8, 1931;—Am. 1933, Act 231, Imd. Eff. July 6, 1933;—Am. 1934, 1st Ex. Sess., Act 17, Imd. Eff. Mar. 28, 1934;—Am. 1945, Act 94, Eff. Sept. 6, 1945;—CL 1948, 36.11;—Am. 1952, Act 123, Eff. Sept. 18, 1952;—Am. 1958, Act 186, Eff. Sept. 13, 1958;—Am. 1982, Act 391, Eff. Mar. 30, 1983.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

36.11a Repealed. 1982, Act 391, Eff. Mar. 30, 1983.

Compiler's note: The repealed section pertained to gifts to veterans' facility.

36.11b Creation of post fund; expenditures.

Sec. 11b. Each gift received by the board of managers and which specifically provides that the gift is not for the use and benefit of the state shall be paid into the post fund, which is hereby created by this section. The post fund shall be expended as prescribed by Act No. 313 of the Public Acts of 1905, being section 36.61 of the Michigan Compiled Laws.

History: Add. 1915, Act 49, Eff. Aug. 24, 1915;—CL 1915, 1676;—CL 1929, 791;—CL 1948, 36.11b;—Am. 1952, Act 123, Eff. Sept. 18, 1952;—Am. 1982, Act 391, Eff. Mar. 30, 1983.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

36.11c Property of member; board may receive and hold in trust.

Sec. 11c. The board of managers or any officer or employee duly authorized by them may receive money, property or effects belonging to any member of the facility and hold same in trust, to be disposed of as directed by such member. Any balance of such money, property or effects remaining in trust at the time of his discharge from the facility shall be accounted for and paid to such member.

History: Add. 1952, Act 123, Eff. Sept. 18, 1952.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

36.12 Method of drawing and accounting for money from state treasury prescribed.

Sec. 12. The method of drawing money from the state treasury and accounting for the same, shall be similar to that now in force with other state institutions as prescribed by the general law.

History: 1885, Act 152, Imd. Eff. June 5, 1885;—How. 1984-1;—CL 1897, 2063;—CL 1915, 1677;—CL 1929, 792;—CL 1948, 36.12.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

DORMITORY FOR EX-NURSES AND DEPENDENTS

Act 212 of 1893

36.21-36.28 Repealed. 1952, Act 123, Eff. Sept. 18, 1952.

WIDOWS, WIVES, AND MOTHERS Act 15 of 1921

AN ACT prescribing the qualifications for admission to the veterans' facility for the widows, widowers, former spouses, spouses, and parents of former members of the armed forces of the United States; and repealing all acts and parts of acts inconsistent herewith.

History: 1921, Act 15, Imd. Eff. Mar. 30, 1921;—Am. 1952, Act 94, Eff. Sept. 18, 1952;—Am. 1982, Act 180, Imd. Eff. June 14, 1982.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

36.31 Veterans' facility; qualifications and conditions for admission of widows, widowers, former spouses, and spouses of members of armed forces; admission of parents.

Sec. 1. (1) The qualifications for admission to residence in a veterans' facility for the widows, widowers, former spouses, and spouses of any member of the armed forces of the United States who was honorably discharged, shall be as follows: The widow, widower, former spouse, or spouse, of any member of the armed forces of the United States who was honorably discharged from the armed forces, who served in the Mexican war, the war of the rebellion, the Spanish-American war, the war in the Philippines, the first world war, the second world war, or in any other war, campaign, or expedition in which the armed forces of the United States have been, are, or may be, participants, for not less than 90 days shall be eligible for admission into a veterans' facility. However, in the case of the widows, widowers, former spouses, and spouses, the former spouse, spouse, widower, or widow shall be at least 60 years of age at the time of making application for admission. Any former spouse, spouse, widower, or widow of any of the veterans of any class mentioned who has established residency in this state at the time of making his or her application for admission and who is disabled or unable to earn a living may be eligible for admission notwithstanding the limitations otherwise provided for in this section. If any widow, widower, or former spouse who may be eligible for membership under his or her first spouse should remarry, he or she will forfeit all rights to a veterans' facility and cannot again claim membership under his or her first spouse.

(2) The board of managers of the veterans' facilities may prescribe as a condition for admission that all applicants be charged maintenance in the same manner as members who qualify for membership as former members of the armed forces of the United States, which maintenance shall be paid to the adjutant of the veterans' facilities in advance, not later than the fifth day of each month. Failure to comply with any condition shall be cause for dismissal from a veterans' facility. The money received shall be turned over to the state treasury and credited to the veterans' facilities operations fund. The board of managers of the veterans' facilities also may make a condition for admission to the veterans' facilities that all applicants shall assign to the board of managers any balance of money accumulated while a member of a facility or on deposit with any bank, trust company, corporation, or individual at the time of the death of the applicant. All sums shall be paid to the spouse, minor children, or dependent mother or father, in the order named, and, if no such relative shall be found within a period of 2 years, or if no claim has been made within a period of 2 years, the balance of any money shall be paid into a fund in the hands of the adjutant of the veterans' facilities to be expended under the direction of the board of managers to improve the service of the veterans' facilities.

(3) The parent of any member of the armed forces of the United States who was honorably discharged from the armed forces who served in any of the wars described in subsection (1) may be admitted upon the approval of the board of managers, under rules and conditions as the board may prescribe.

History: 1921, Act 15, Imd. Eff. Mar. 30, 1921;—CL 1929, 797;—Am. 1933, Act 232, Imd. Eff. July 6, 1933;—CL 1948, 36.31;—Am. 1952, Act 94, Eff. Sept. 18, 1952;—Am. 1958, Act 188, Eff. Sept. 13, 1958;—Am. 1982, Act 180, Imd. Eff. June 14, 1982;—Am. 1982, Act 392, Eff. Mar. 30, 1983.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of authority, powers, duties, functions, and responsibilities of the State Veterans' Facilities of Michigan and Board of Managers created under Act 152 of Public Acts of 1885, as amended being Sections 36.1 to 36.12 of the Michigan Compiled Laws and certain other associated functions, from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1992-1, compiled at MCL 36.71 of the Michigan Compiled Laws.

36.32 Construction of act.

Sec. 2. This act shall be construed as supplemental to any and all acts relating to the Michigan soldiers' home and to the home for the widows, wives and mothers established in connection therewith.

History: 1921, Act 15, Imd. Eff. Mar. 30, 1921;—CL 1929, 798;—CL 1948, 36.32.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

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DISCIPLINE AND GOVERNMENT

Act 90 of 1895

AN ACT to provide for the maintenance of discipline and for the better government of the Michigan Soldiers' Home and the Home of the Soldiers, Sailors and Marines, who served in the late civil war, their wives and mothers.

History: 1895, Act 90, Imd. Eff. Apr. 24, 1895.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

36.41 Repealed. 1955, Act 19, Eff. Oct. 14, 1955.

Compiler's note: The repealed section designated officers for the Michigan soldiers' home.

36.42 Veterans' facility; restraint of disorderly persons, authority of commandant.

Sec. 2. It shall be the duty of the commandant to provide some suitable place within said home wherein disobedient or otherwise disorderly persons can be restrained, and the said commandant or such other officer as may be temporarily in command may place in restraint any disobedient or otherwise disorderly person, until such person can be brought before the proper judicial tribunal, or until the necessity for such restraint shall have passed away: Provided, No person shall be so restrained more than 48 hours.

History: 1895, Act 90, Imd. Eff. Apr. 24, 1895;—CL 1897, 2065;—CL 1915, 1679;—CL 1929, 801;—CL 1948, 36.42.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

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36.43 Report of commandant on restraint of disorderly members to board of managers.

Sec. 3. It shall be the duty of such commandant to make a detailed written report of every case in which said restraint shall have been resorted to, to the board of managers of the home at the next meeting of the board after such action shall have been taken.

History: 1895, Act 90, Imd. Eff. Apr. 24, 1895;—CL 1897, 2066;—CL 1915, 1680;—CL 1929, 802;—CL 1948, 36.43.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of authority, powers, duties, functions, and responsibilities of the State Veterans' Facilities of Michigan and Board of Managers created under Act 152 of Public Acts of 1885, as amended being Sections 36.1 to 36.12 of the Michigan Compiled Laws and certain other associated functions, from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1992-1, compiled at MCL 36.71 of the Michigan Compiled Laws.

GUARDIAN FOR MEMBERS

Act 54 of 1901

AN ACT to provide for the appointment of a guardian for members of the Michigan Soldiers' Home in certain cases.

History: 1901, Act 54, Imd. Eff. Apr. 9, 1901.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of authority, powers, duties, functions, and responsibilities of the State Veterans' Facilities of Michigan and Board of Managers created under Act 152 of Public Acts of 1885, as amended being Sections 36.1 to 36.12 of the Michigan Compiled Laws and certain other associated functions, from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1992-1, compiled at MCL 36.71 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

36.51 Appointment of commandant as guardian of member.

Sec. 1. When, in the opinion of a majority of the board of managers of the Michigan soldiers' home, it is necessary that a guardian shall be appointed for any member of said home, the judge of probate of Kent county may, upon application being made to him, appoint the commandant of the Michigan soldiers' home to the office of said guardian.

History: 1901, Act 54, Imd. Eff. Apr. 9, 1901;—CL 1915, 1686;—CL 1929, 804;—CL 1948, 36.51.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

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36.52 Commandant as guardian; execution of bond.

Sec. 2. The board of managers of said home shall require from the commandant a good and sufficient bond for the faithful performance of his duties as such guardian, and upon a satisfactory showing being made to the judge of probate that such bond has been executed, he shall not require a further bond to be given.

History: 1901, Act 54, Imd. Eff. Apr. 9, 1901;—CL 1915, 1687;—CL 1929, 805;—CL 1948, 36.52.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

36.53 Appointment of commandant as guardian; record.

Sec. 3. Whenever said board of managers deem it necessary that a guardian be appointed for any member of the Michigan soldiers' home the action taken in the matter by them shall be a matter of record upon the clerk's minutes of the proceedings of said board.

History: 1901, Act 54, Imd. Eff. Apr. 9, 1901;—CL 1915, 1688;—CL 1929, 806;—CL 1948, 36.53.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

36.54 Commandant as guardian; compensation, expenses.

Sec. 4. The commandant of said home shall receive no fees or allowances as compensation for his services as such guardian, but actual reasonable expenses incurred in the execution of his trust may be allowed.

History: 1901, Act 54, Imd. Eff. Apr. 9, 1901;—CL 1915, 1689;—CL 1929, 807;—CL 1948, 36.54.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

36.55 Commandant as guardian; delivery of trust and property to successor.

Sec. 5. When, from any cause, the commandant of said home shall cease to hold the office of commandant, his trust as guardian of any member of said home shall also cease, and he shall turn over to his successor in office all property in his hands belonging to his wards, members of the Michigan soldiers' home, and said successor shall, ex officio, become the guardian of said wards, subject to the same conditions as would be

required had he been originally appointed guardian of said wards.

History: 1901, Act 54, Imd. Eff. Apr. 9, 1901;—CL 1915, 1690;—CL 1929, 808;—CL 1948, 36.55.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

POST AND POSTHUMOUS FUNDS
Act 313 of 1905

AN ACT to provide for the disposition of the money now or hereafter accumulated in the “post fund” and the “posthumous fund” of the Michigan soldiers' home.

History: 1905, Act 313, Imd. Eff. June 17, 1905.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

36.61 Post fund and posthumous fund; expenditure by board of managers.

Sec. 1. The money on hand in the post fund and in the posthumous fund of the Michigan soldiers' home, and such money as may hereafter accumulate in said funds, may be expended by the board of managers of said home, in furnishing the new hospital, and for such other purposes for the benefit of the said home and the inmates thereof, as the said board of managers may, in its discretion, determine.

History: 1905, Act 313, Imd. Eff. June 17, 1905;—CL 1915, 1691;—CL 1929, 809;—CL 1948, 36.61.

Compiler's note: For transfer of powers and duties of the State Veterans' Facilities of Michigan and the Board of Managers from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1991-7, compiled at MCL 36.71 of the Michigan Compiled Laws.

For transfer of authority, powers, duties, functions, and responsibilities of the State Veterans' Facilities of Michigan and Board of Managers created under Act 152 of Public Acts of 1885, as amended being Sections 36.1 to 36.12 of the Michigan Compiled Laws and certain other associated functions, from the Department of Public Health to the Department of Military Affairs, see E.R.O. No. 1992-1, compiled at MCL 36.71 of the Michigan Compiled Laws.

EXECUTIVE REORGANIZATION ORDER
E.R.O. No. 1991-7

36.71 Transfer of powers and duties of the state veterans' facilities and the board of managers from the department of public health to the department of military affairs.

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, Michigan's commitment to provide care for its veterans started with the establishment of the Michigan Soldiers' Home on December 30, 1886; and

WHEREAS, the Michigan Veterans' Facility in Grand Rapids, and the D.J. Jacobetti Michigan Veterans' facility in Marquette, have evolved as the statutorily established successor institutions to the original Michigan Soldiers' Home; and

WHEREAS, these facilities were established to provide care and services exclusively for former members of the armed forces of the United States, in the State of Michigan and certain members of their families; and

WHEREAS, the Michigan Veterans' Facilities were, until September 1, 1991, administered by the Department of Public Health; and

WHEREAS, on January 17, 1991, Executive Reorganization Order No. 1991-6 was issued transferring the Michigan Veterans' Facilities from the Department of Public Health to the Department of Military Affairs; and

WHEREAS, on January 18, 1991, Executive Reorganization Order No. 1991-7 was issued, superseding Executive Reorganization Order 1991-6; and

WHEREAS, it is now necessary to amend and restate Executive Reorganization Order No. 1991-7; and

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

(1) All the statutory authority, powers, duties, functions and responsibilities, including the functions of budgeting and procurement and management-related functions, of the State Veterans' Facilities of Michigan and the Board of Managers created under Act 152 of the Public Acts of 1885, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws and associated functions under Act 15 of the Public Acts of 1921, as amended, being Sections 36.31 and 36.32 of the Michigan Compiled Laws, Act 90 of the Public Acts of 1895, being Sections 36.42 and 36.43 of the Michigan Compiled Laws, Act 54 of the Public Acts of 1901, being Sections 36.51 to 36.55 of the Michigan Compiled Laws and Act 313 of the Public Acts of 1905, being Section 36.61 of the Michigan Compiled Laws have been transferred from the Department of Public Health to the Department of Military Affairs by Type I transfer as defined by Section 3 of Act 380 of the Public Act of 1965, being Section 16.103 of the Michigan Compiled Laws.

(2) The Adjutant General as head of the Department of Military Affairs shall provide executive direction and supervision for the implementation of the transfer. The assigned functions shall be administered under the direction and supervision of the Adjutant General as head of the Department of Military Affairs.

(3) All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Department of Public Health for the activities transferred to the Department of Military Affairs by this Order have been transferred to the Department of Military Affairs.

(4) The Department of Military Affairs has made internal organizational changes as have been administratively necessary to complete the realignment of responsibilities prescribed by Executive Reorganization Order No. 1991-7 and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

(5) The heads of the Departments of Public Health and Military Affairs have initiated coordination between their departments to facilitate the transfer and have developed a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and State laws and regulations or other obligations to be resolved by the Department of Public Health.

(6) All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.

(7) Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding

may be maintained by, against or before the appropriate successor of any entity affected by this Order.

(8) This Executive Order amends and restates Executive Reorganization Order No. 1991-7.

In fulfillment of the requirement of Article V, Section 2 of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order which make substantive changes in Executive Reorganization Order No. 1991-7, being Section (2) of this Executive Order, shall become effective 60 days after filing.

History: 1991, E.R.O. 1991-6, Eff. Sept. 1, 1990;—1991, E.R.O. 1991-7, Eff. Sept. 1, 1991;—Am. 1992 E.R.O. No. 1992-1, Eff. May 11, 1992.

Compiler's note: Executive Reorganization Order No. 1991-7, issued January 18, 1991, superseded Executive Reorganization Order No. 1991-6, issued January 17, 1991, which contained typographical errors in citations and the effective date of the order.